

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

October 30, 2021

United States of America

v.

Malcolm Lenard Thomas

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)
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)
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)
)

Nathan Ochsner, Clerk of Court

Case No.

21mj2316

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 2021 to present in the county of Harris/Montgomery in the
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 2422(b)	Coercion and Enticement

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.


Complainant's signature

SA Bethany Morris

Printed name and title

Sworn to before me telephonically.


Judge's signature

Date: 10/30/2021

Judge's signature

City and state: Houston, Texas

U.S. Magistrate Judge Frances Stacy

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Bethany Morris, being duly sworn, hereby depose and state the following:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI). I have been a Special Agent of the FBI since December 2012. I am charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party in interest, and performing other duties imposed by law. During my assignment with the FBI, I have participated in the execution of search warrants for documents and other evidence, including computers and electronic media, in cases involving child pornography and the sexual exploitation of children. I have investigated multiple cases involving child pornography and the sexual exploitation of children. I have participated in various FBI mandated training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography as defined in Title 18, U.S.C. §2256. I have participated in numerous investigations and trainings related to Human Trafficking offenses.
2. This Affidavit is made in support of a criminal complaint charging Malcolm Lenard Thomas (Thomas), with violating Title 18 U.S.C. §2422(b), which makes it a crime for anyone to knowingly persuade, induce, entice or coerce an individual to travel in interstate commerce with the purpose of engaging in prostitution or any criminal sexual activity, or attempting to do so.
3. I am familiar with the information contained in the Affidavit based upon the investigation that myself and other law enforcement officers have conducted, and any of my conversations with other parties involved in this case.

4. Because the Affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation, I have set forth only those facts that I believe are necessary to establish probable cause that evidence of a violation of Title 18, U.S.C. §2422(b) has been committed by Thomas in October 2021.
5. In early October of 2021, Your Affiant learned that an FBI, Online Covert Employee¹ (OCE), whose persona was a 15-year-old female, was in communication with Thomas through Instagram. Thomas was using the Instagram profile name 3lucci.ano. Throughout the communications, Thomas told the OCE the following:
 - a. “Well how bout me for a fee²”.
 - b. “1500 baby an it’s game tight as long as you can listen an show me loyalty n dedicated imma put you in the right position to greatness ya dig” [SIC].
6. In one chat conversation, Thomas asked the OCE how old she was and the OCE stated “15..well i b 16 on Halloween but im on that grown folks energy hehe”. Thomas then requested a picture and the OCE asked “like what n u good w my age ion wanna waste time ya kno”. Thomas responded “Yeah n regular pic” [SIC].
7. After discussions between Thomas and the OCE about the OCE traveling to Houston, Texas from McAllen, Texas, for the purpose of engaging in commercial sex, Thomas told the OCE to wire him the money and he would purchase the bus ticket, since the OCE was only 15 years old and did not have a form of identification, with which to purchase a ticket. On October 27, 2021, the OCE wired \$200 via Ria Money Transfer service, from a Walmart

¹ The identity of the OCE is known but not disclosed in this document.

² A choosing fee is an amount of money paid to a pimp by a prostitute, to allow a prostitute to work for the pimp.

located in McAllen, Texas, which was picked up at the Walmart located at 111 Yale Street, Houston, Texas by Thomas, on October 27, 2021, at 1:35 PM (PST). According to the law enforcement relations team at Ria Money Transfer service, an identification was provided by the person who picked up the money.

8. On October 27, 2021, after the money transfer was sent by the OCE, a recorded telephone call was made to Thomas, by a Confidential Human Source³ (CHS), portraying the 15-year-old female. During that call, when asked how things were going to work, Thomas stated that he usually does probation⁴ but since she is coming from somewhere else, he is not going to put her through that. Thomas stated that he would pick her up when she arrives to Houston, Texas and everything she needs, she will get from him. When she arrives on Friday morning, he will get her a room and they will set up her online ad or she can walk the blade⁵. Thomas stated that he would buy her bus ticket, take a picture of it, and send it to her via Instagram. Thomas told her that he would buy her a new phone and told her that the choosing fee is used to pay for her room, phone and whatever else she needed. Thomas told her about some rules of the game⁶ such as, staying in pocket⁷, how to walk the blade, and that she is to walk away from other pimps if they approach her. Thomas stated that once they stack up⁸, they will start traveling to places like Florida, California, Tennessee and Georgia. Thomas told her this is her best opportunity to travel and figure out what she wants to do in life.
9. On October 27, 2021, subsequent the recorded call, a Greyhound bus ticket was purchased in the OCE's persona name by Thomas, departing McAllen, Texas on October 28, 2021, at

³ The CHS's identity is known to law enforcement but not being disclosed in this document.

⁴ Traffickers often require a probation period upon acquiring a new prostitute/victim.

⁵ Blade is a slang term used to refer to a specific location on the street where prostitution is advertised.

⁶ The game refers to pimping and prostitution.

⁷ Staying in pocket refers to following the rules of the game.

⁸ Stack up means to make money.

10:15 PM, and arriving in Houston, Texas on October 29, 2021, at 4:15 AM. Thomas sent a photo of the bus ticket to the OCE via Instagram.

10. On October 29, 2021, Thomas told the OCE he would be driving a burgundy Grand Prix and would pick her up at the bus station when the bus arrived in Houston, Texas. At approximately 4:30 AM, Thomas was observed sitting in a burgundy Grand Prix behind the Greyhound bus station located at 2121 Main Street, Houston, Texas, and arrested.
11. During a post arrest, post Miranda interview, Thomas stated that he did meet the OCE via Instagram and after receiving money via wire transfer at the Walmart located on Yale Street, Houston, Texas, he did purchase a bus ticket for her to travel to Houston, Texas for the purpose of her engaging in commercial sex. Thomas described his role as providing protection for a fee.

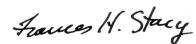
CONCLUSION

12. Based upon the information set forth above, I believe that probable cause exists for the issuance of a Criminal Complaint charging Thomas with violation of 18 U.S.C. §2422(b), which makes it a crime for anyone to knowingly induce, entice or coerce an individual to travel in interstate commerce with the purpose of engaging in prostitution or any criminal sexual activity or attempting to do so.



Bethany Morris
Special Agent

Signed and worn to before me, telephonically, this 30th day of October 2021.



Frances Stacy

Frances Stacy
United States Magistrate Judge